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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Vulcan Northwest	)	File No. EB-FIELDWR-12-00003790
Licensee of Station WPOZ551	)	
Lopez Island, WA	)	NOV No. V201232980003
	)	

**NOTICE OF VIOLATION**

**Released:** September 13, 2012

By the Acting District Director, Seattle District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Vulcan Northwest, licensee of radio station WPOZ551 in Lopez Island, Washington. Pursuant to Section 1.89(a) of the Commission's Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On August 16, 2012, an agent of the Enforcement Bureau's Seattle District Office inspected radio station WPOZ551, located at 1469 Sperry Road, Lopez Island, Washington, and observed the following violation:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." Vulcan Northwest is operating a fixed repeater station on the frequency 451.4375 MHz, and a second fixed repeater station on 451.6375 MHz. The radio station license, WPOZ551, authorizes operation only by mobile radio stations (MO) on these frequencies, 451.4375 MHz and on 451.6375 MHz.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” Vulcan Northwest is operating mobile radio stations (MO) on 456.4375 MHz and on 456.6375 MHz, using modulation type 7K60FXE on both frequencies. Vulcan Northwest’s radio station license, WPOZ551, authorizes operation by mobile radio stations (MO) on 456.4375 MHz and on 456.6375 MHz, with modulation type 11K0F3E.
- c. 47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” Vulcan Northwest is operating an unauthorized repeater station on 451.6375 MHz, causing interference to a Canadian repeater, call sign VEO585, operating on the same output frequency, 451.6375 MHz. Vulcan Northwest is also operating mobile radio stations (MO), call sign WPOZ551, on 456.6375 MHz, and failing to monitor before transmitting, causing interference to the input frequency of the Canadian licensee’s repeater station, call sign VEO585.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Vulcan Northwest must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Commission’s Rules, we direct Vulcan Northwest to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Vulcan Northwest with personal knowledge of the representations provided in Vulcan Northwest’s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession,

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Commission’s Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

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custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Seattle District Office  
11410 NE 122<sup>nd</sup> Way, Suite 312  
Kirkland, Washington 98034

6. This Notice shall be sent to Vulcan Northwest at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Leo Cirbo  
Acting District Director  
Seattle District Office  
Western Region  
Enforcement Bureau

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<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).